

West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

General Permit Registration



Pursuant to
Title V
of the Clean Air Act

Northwestern Landfill, Inc.
R30-MSWLGP-2011-10700121 ([MM01](#))
Effective Date: August 15, 2011

John A. Benedict
Director

Date Signed: August 1, 2011

Registration Number: **R30-MSWLGP-2011-10700121** ([MM01](#))
Permittee: **Northwestern Landfill, Inc.**
Facility Name: **Parkersburg**
Mailing Address: **Rt. 2 Box 68, Bridgeport, WV 26330**
Permit Contact: **Adam Finley, District Engineer, (304) 326-6030**

This Registration is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this Registration and of Permit Number R30-MSWLGP-2011.

Facility Location:	Parkersburg, Wood County, West Virginia
Mailing Address:	510 East Dry Run Road, Parkersburg, WV 26104
Telephone Number:	(304) 428-0602
Type of Business Entity:	Corporation
Facility ID #:	107-00121
Facility Description:	Sanitary Landfill
SIC Codes:	4953
UTM Coordinates:	457.50 km Easting • 4344.37 km Northing • Zone 17

Permit Writer: Denton McDerment

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit Registration does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
Facility-wide						Section 2.0, 3.0
LANDFILL OPERATIONS						
01-C1	E001	Phase I Area – Inactive	1991	931,000 Mg	None	<p>Section 4.0: Conditions 4.1.1., 4.1.2., 4.1.4., and 4.4.1.</p> <p>Appendix A - 40 C.F.R. 60 Subpart WWW, specifically:</p> <p><u>Limitations and Standards</u></p> <p>40 C.F.R. §§60.754(a)(3) and 60.757. Requirements When Reported NMOC Emission Rate is ≥ 50 Mg/yr.</p> <p>40 C.F.R. §§60.754(a)(4) and 60.757. Requirements When Reported NMOC Emission Rate is ≥ 50 Mg/yr. (when using site specific C_{NMOC})</p> <p>40 C.F.R. §§60.752 and 60.753. Design parameters for a landfill gas collection and control system which conforms to 40 C.F.R. §60.759.</p> <p>40 C.F.R. §60.757(c). LFG Collection and Control System Design Plan.</p> <p><u>Monitoring, Recordkeeping, and Reporting</u></p> <p>40 C.F.R. §60.758. Maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit.</p> <p>40 C.F.R. §60.757(b). Annual NMOC Emission Report.</p> <p>40 C.F.R. §60.757(b)(1)(ii). 5-year NMOC Report and Revision of 5-year NMOC Report.</p> <p>40 C.F.R. §§60.757(d) and 60.758. Closure Report.</p>

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
						<p>Section 10.0: Condition 10.0.1.</p> <p>45CSR34 and Appendix B - 40 C.F.R. 63 Subpart AAAA.</p> <p><u>Limitations and Standards</u></p> <p>40 C.F.R. §63.1945(b). If your landfill is an existing affected source, you must comply with 40 C.F.R. 63 Subpart AAAA by January 16, 2004.</p> <p>40 C.F.R. §63.1945(f). Comply with the requirements in §§63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 C.F.R. §60.752(b)(2) of subpart WWW, the Federal plan, or EPA approved and effective State plan that applies to your landfill or by January 16, 2004, whichever occurs later.</p> <p>40 C.F.R. §63.1950. You are no longer required to comply with the requirements of 40 C.F.R. 63 Subpart AAAA when you are no longer required to apply controls as specified in 40 C.F.R. §60.752(b)(2)(v) of subpart WWW.</p> <p>40 C.F.R. §63.1955(a)(1). Comply with the requirements of 40 C.F.R. Part 60, Subpart WWW.</p> <p>40 C.F.R. §63.1955(b). If you are required by 40 C.F.R. §60.752(b)(2) of subpart WWW to install a collection and control system, you must comply with the requirements in 40 C.F.R. §§63.1960 through 63.1985 and with the general provisions of part 63 specified in table 1 of 40 C.F.R. 63 Subpart AAAA.</p> <p><u>Monitoring, Recordkeeping, and Reporting</u></p> <p>40 C.F.R. §63.1960. Compliance is determined in the same way it is determined for 40 C.F.R. Part 60, Subpart WWW, including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under 40 C.F.R. §§60.756(b)(1), (c)(1), and (d)</p>

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
						<p>of Subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. If a deviation occurs, you have failed to meet the control device operating conditions described in this subpart and have deviated from the requirements of this subpart. Finally, you must develop a written SSM plan according to the provisions in 40 C.F.R. §63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write or maintain a copy of the SSM plan is a deviation from the requirements of 40 C.F.R. 63 Subpart AAAA.</p> <p>40 C.F.R. §63.1965. A deviation is defined in §63.1990. For the purposes of the landfill monitoring and SSM plan requirements, deviations include the items in paragraphs (a) through (c) of this section.</p> <p>(a) A deviation occurs when the control device operating parameter boundaries described in 40 CFR 60.758(c)(1) of subpart WWW are exceeded.</p> <p>(b) A deviation occurs when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.</p> <p>(c) A deviation occurs when a SSM plan is not developed or maintained on site.</p> <p>40 C.F.R. §63.1975. 3-hour block averages are calculated in the same way as they are calculated in 40 C.F.R. Part 60, Subpart WWW, except that the data collected during the events listed in paragraphs (a), (b), (c), and (d) of this requirement are not to be included in any average computed under 40 C.F.R. 63 Subpart AAAA:</p> <p>(a) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.</p> <p>(b) Startups.</p> <p>(c) Shutdowns.</p> <p>(d) Malfunctions.</p> <p>40 C.F.R. §63.1980(a). Keep records and reports as specified in 40 C.F.R. Part 60, Subpart WWW, with one exception: You must submit the annual report described in 40 C.F.R. §60.757(f) every 6 months.</p>

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
						40 C.F.R. §63.1980(b). You must also keep records and reports as specified in the general provisions of 40 C.F.R. Part 60 and Part 63 as shown in Table 1 of 40 C.F.R. 63 Subpart AAAA. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports.
01-C2	E001	North Slope Area – Closed and Capped	1975	185,250 Mg	None	Same as for Emission Unit ID# 01-C1.
01-C3	E001	Central Area – Closed and Capped	1975	775,730 Mg	None	Same as for Emission Unit ID# 01-C1.
01-C4	E001	West Slope Area – Closed and Capped	1975	354,880 Mg	None	Same as for Emission Unit ID# 01-C1.
01-A1	E001	Phase 2 Area – Active	1996	50,000 Mg	None	Same as for Emission Unit ID# 01-C1.
01-F1	E001	Phase 2 (Remaining) – Future Area	Proposed	1,620,000 Mg	None	<p>Section 4.0: Conditions 4.1.1., 4.1.2., 4.1.4., and 4.4.1.</p> <p>Appendix A - 40 C.F.R. 60 Subpart WWW, specifically:</p> <p><u>Limitations and Standards</u></p> <p>40 C.F.R. §§60.754(a)(3) and 60.757. Requirements When Reported NMOC Emission Rate is ≥ 50 Mg/yr.</p> <p>40 C.F.R. §§60.754(a)(4) and 60.757. Requirements When Reported NMOC Emission Rate is ≥ 50 Mg/yr. (when using site specific C_{NMOC})</p> <p>40 C.F.R. §§60.752 and 60.753. Design parameters for a landfill gas collection and control system which conforms to 40 C.F.R. §60.759.</p> <p>40 C.F.R. §60.757(c). LFG Collection and Control System Design Plan.</p> <p><u>Monitoring, Recordkeeping, and Reporting</u></p> <p>40 C.F.R. §60.758. Maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit.</p> <p>40 C.F.R. §60.757(b). Annual NMOC Emission Report.</p>

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
						<p>40 C.F.R. §60.757(b)(1)(ii). 5-year NMOC Report and Revision of 5-year NMOC Report.</p> <p>40 C.F.R. §§60.757(d) and 60.758. Closure Report.</p> <p>Section 10.0: Condition 10.0.1.</p> <p>45CSR34 and Appendix B - 40 C.F.R. 63 Subpart AAAAA.</p> <p><i>Limitations and Standards</i></p> <p>40 C.F.R. §63.1945(a). Comply with Subpart AAAAA when you begin operating.</p> <p>40 C.F.R. §63.1945(e). Comply with the requirements of 40 C.F.R. §§63.1955(b) and 63.1960 through 63.1980 by the date your landfill is required to install a collection and control system by 40 C.F.R. §60.752(b)(2) of subpart WWW.</p> <p>40 C.F.R. §63.1950. You are no longer required to comply with the requirements of 40 C.F.R. 63 Subpart AAAAA when you are no longer required to apply controls as specified in 40 C.F.R. §60.752(b)(2)(v) of subpart WWW.</p> <p>40 C.F.R. §63.1955(a)(1). Comply with the requirements of 40 C.F.R. Part 60, Subpart WWW.</p> <p>40 C.F.R. §63.1955(b). If you are required by 40 C.F.R. §60.752(b)(2) of subpart WWW to install a collection and control system, you must comply with the requirements in 40 C.F.R. §§63.1960 through 63.1985 and with the general provisions of part 63 specified in table 1 of 40 C.F.R. 63 Subpart AAAAA.</p>

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
						<p><u><i>Monitoring, Recordkeeping, and Reporting</i></u></p> <p>40 C.F.R. §63.1960. Compliance is determined in the same way it is determined for 40 C.F.R. Part 60, Subpart WWW, including performance testing, monitoring of the collection system, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data, collected under 40 C.F.R. §§60.756(b)(1), (c)(1), and (d) of Subpart WWW, are used to demonstrate compliance with the operating conditions for control systems. If a deviation occurs, you have failed to meet the control device operating conditions described in this subpart and have deviated from the requirements of this subpart. Finally, you must develop a written SSM plan according to the provisions in 40 C.F.R. §63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write or maintain a copy of the SSM plan is a deviation from the requirements of 40 C.F.R. 63 Subpart AAAA.</p> <p>40 C.F.R. §63.1965. A deviation is defined in §63.1990. For the purposes of the landfill monitoring and SSM plan requirements, deviations include the items in paragraphs (a) through (c) of this section.</p> <p>(a) A deviation occurs when the control device operating parameter boundaries described in 40 CFR 60.758(c)(1) of subpart WWW are exceeded.</p> <p>(b) A deviation occurs when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.</p> <p>(c) A deviation occurs when a SSM plan is not developed or maintained on site.</p> <p>40 C.F.R. §63.1975. 3-hour block averages are calculated in the same way as they are calculated in 40 C.F.R. Part 60, Subpart WWW, except that the data collected during the events listed in paragraphs (a), (b), (c), and (d) of this requirement are not to be included in any average computed under 40 C.F.R. 63 Subpart AAAA:</p> <p>(a) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.</p> <p>(b) Startups.</p>

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
						<p>(c) Shutdowns. (d) Malfunctions.</p> <p>40 C.F.R. §63.1980(a). Keep records and reports as specified in 40 C.F.R. Part 60, Subpart WWW, with one exception: You must submit the annual report described in 40 C.F.R. §60.757(f) every 6 months.</p> <p>40 C.F.R. §63.1980(b). You must also keep records and reports as specified in the general provisions of 40 C.F.R. Part 60 and Part 63 as shown in Table 1 of 40 C.F.R. 63 Subpart AAAA. Applicable records in the general provisions include items such as SSM plans and the SSM plan reports.</p>
01-SP	SP	Solidification Pit	2011	140 tons/day	None	Section 3.0: Conditions 3.1.9., 3.1.10., 3.4.2., 3.4.4., 3.4.5. and 3.5.8.
TANKS						
1-A	1-A	Diesel fuel storage tank	1992	10,000 gal	None	None.
1-B	1-B	Diesel fuel storage tank	1992	6,000 gal	None	Same as for Emission Unit ID# 1-A.
2	2	Gasoline storage tank		1,000 gal	None	Same as for Emission Unit ID# 1-A.
3a & 3b	3a & 3b	Oil/water storage tank	1993 & 2003	1,000 gal each	None	Same as for Emission Unit ID# 1-A.
4-A	4-A	Waste oil storage tank	1993	2,000 gal	None	Same as for Emission Unit ID# 1-A.
4-B1	4-B1	Lubricant tank	1993	500 gal	None	Same as for Emission Unit ID# 1-A.
4-B2	4-B2	Lubricant tank	1993	500 gal	None	Same as for Emission Unit ID# 1-A.
4-B3	4-B3	Lubricant tank	1993	275 gal	None	Same as for Emission Unit ID# 1-A.
4-B4	4-B4	Lubricant tank	1993	275 gal	None	Same as for Emission Unit ID# 1-A.
6	6	Leachate	1995	2,250 gal	None	Same as for Emission Unit ID# 1-A.
7	7	Leachate	1995	2,250 gal	None	Same as for Emission Unit ID# 1-A.
8	8	Leachate	1995	2,250 gal	None	Same as for Emission Unit ID# 1-A.
9	9	Waste oil	1992	1,200 gal	None	Same as for Emission Unit ID# 1-A.
14A1-14A4	14A1-14A4	Lube oil (4-300 gal tanks on mobile fuel truck)	1992	300 gal each	None	Same as for Emission Unit ID# 1-A.
14B	14B	Diesel fuel	1992	800 gal	None	Same as for Emission Unit ID# 1-A.

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity	Control Device	Applicable Municipal Solid Waste Landfill General Permit Sections
12A, B, C	12A, B, C	Water from tire wash	1996	3,700 gal	None	Same as for Emission Unit ID# 1-A.
FLARE						
LFG-1	LFG-1	Landfill Gas Flare	2010	3,000 scfm	Flare	Section 5.0 <i>Compliance with the hourly PM limit in R13-2592B, condition 4.1.1.a., ensures compliance with the less stringent limit of 45CSR§6-4.1. (R30-MSWLGP-2011, condition 5.1.1.).</i> <i>Compliance with the visible emissions requirements in R13-2592B, condition 4.1.1.f. ensures compliance with the less stringent limits of 45CSR§§6-4.3. and 4.4. (R30-MSWLGP-2011, conditions 5.1.2. and 5.1.3.).</i> Permit No. R13-2592B
OTHERS						
004	E004	Used Oil Burner	1995	0.5 MMBtu/hr	None	None.

**45CSR13/14, Consent Order and Other Specific Requirements not included in Title V
General Permit:**

1. Permit No. R13-2592B

West Virginia Department of Environmental Protection

Division of Air Quality

Joe Manchin, III
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Modify




R13-2592B

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

Northwestern Landfill, Inc.
Northwestern Landfill/Parkersburg
107-00121


John A. Benedict
Director

Issued: September 13, 2010

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This permit will supercede and replace Permit R13-2592A.

Facility Location: Parkersburg, Wood County, West Virginia

Mailing Address: 510 East Dry Run Road

Parkersburg, WV 26104

Facility Description: Municipal Solid Waste Landfill

SIC Codes: 4953

UTM Coordinates: 457.5 km Easting • 4,344.4 km Northing • Zone 17

Permit Type: Modification

Description of Change: Construction of active gas collection system with an elevated flare.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

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1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
LGF-1	LGF-1	Landfill Gas Flare	2010	3,000 cfm	N/A

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2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM_{2.5}	Particulate Matter less than 2.5µm in diameter
C.F.R. or CFR	Code of Federal Regulations	PM₁₀	Particulate Matter less than 10µm in diameter
CO	Carbon Monoxide	Ppb	Pounds per Batch
C.S.R. or CSR	Codes of State Rules	pph	Pounds per Hour
DAQ	Division of Air Quality	ppm	Parts per Million
DEP	Department of Environmental Protection	Ppmv or ppmv	Parts per million by volume
dscm	Dry Standard Cubic Meter	PSD	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	psi	Pounds per Square Inch
HAP	Hazardous Air Pollutant	SIC	Standard Industrial Classification
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
M	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
MDHI	Maximum Design Heat Input	USEPA	United States Environmental Protection Agency
MM	Million	UTM	Universal Transverse Mercator
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VEE	Visual Emissions Evaluation
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	VOC	Volatile Organic Compounds
NA	Not Applicable	VOL	Volatile Organic Liquids
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

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2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.4. Term and Renewal

- 2.4.1. This permit supercedes and replaces previously issued Permit R13-2592A. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2592, R13-2592A, R13-2592B, and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and 13-10.3]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

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2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation

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under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.

2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
- d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

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2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.
[45CSR§13-10.1]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

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3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or

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established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15)]

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints

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received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§4. State-Enforceable only.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. The active landfill gas collection system and non-assisted flare identified as LGF-1 shall be installed, operated and maintained in accordance with the following:

a. Emissions from LGF-1 shall not exceed the any of the emission limits listed in Table 4.1.4.a.;

Table 4.1.4.a. - Emission Limits from LGF-1		
Pollutant	Emission Rate	
	lb/hr	TPY
PM/PM ₁₀ /PM _{2.5}	1.53	6.7
SO ₂	1.49	6.5
NO _x	6.20	27.2
CO	33.73	147.8
VOCs	0.48	2.1
HCL	1.26	5.5

b. The annual amount of landfill gas flared by LGF-1 shall not exceed 1,576.8 MMscf per year;

c. The permittee shall install and maintain a device/system that continuously measures and records the total amount of landfill gas routed to the flare at all times;

d. The flare shall be operated with a flame present at all times while landfill gas is routed to the flare. The presence of a flare pilot light or flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame;

e. The gas collection system and flare shall be designed and installed in accordance with "Good Engineering Practices";

f. The LGF-1 flare shall be operated with no visible emissions, except for periods not to exceed a total of five minutes during any two consecutive hour.

4.1.2. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. [45CSR§13.5.11.]

4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the visible emissions limits of 4.1.1.f., the permittee shall conduct visible emission checks of the LGF-1 flare within 60 days after start-up of the flare in accordance with this condition. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 C.F.R. Part 60, Appendix A, Method 22 or from the lecture portion of the 40 C.F.R. Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source flare for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions

If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

- 4.2.2. In order to demonstrate compliance with the continuous flame requirements of 4.1.1.d., the permittee shall monitor the presence or absence of a flame using a thermocouple or any other equivalent device.
- 4.2.3. The permittee shall record the total amount of landfill gas routed to LGF-1 on a monthly basis and determine the 12-month rolling total to demonstrate compliance with the limits set forth in 4.1.1.b. and to determine actual emissions. Records of such monitoring shall be maintained in accordance with 3.4.1. of this permit.

4.3. Testing Requirements

[Reserved]

4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;

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- e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
 - b. Steps taken to minimize emissions during the event.
 - c. The duration of the event.
 - d. The estimated increase in emissions during the event.
- For each such case associated with an equipment malfunction, the additional information shall also be recorded:
- e. The cause of the malfunction.
 - f. Steps taken to correct the malfunction.
 - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. The permittee shall maintain records of all monitoring data required by 4.2.1., documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visible emission check(s). An example form is supplied as Appendix A of this permit. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.
- 4.4.5. For the purpose of demonstrating compliance with section 4.1.1.d. and 4.2.2, the permittee shall maintain records of the times and duration of all periods which the flame was absent. This condition is only applicable to the active gas collection system flare identified as LFG-1. Said records shall be maintained in accordance with 3.4.1. of this permit.
- 4.4.6. For the purpose of demonstrating compliance with condition 4.1.1.f., the permittee shall maintain records of the visible emission opacity tests conducted. Said records shall be maintained on-site or in a readily accessible off-site location maintained in accordance with 3.4.1. of this permit.

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- 4.4.7. The permittee shall keep records of the date when any flare(s) is placed in operation, taken out of operation and the identification of the specific flare. Such records shall be maintained in accordance with 3.4.1. of this permit.

4.5. Reporting Requirements

- 4.5.1. Any exceedances of the allowable visible emission requirement for any emission source discovered during observations using 40 C.F.R. Part 60, Appendix A, Method 22 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the exceedances, and any corrective measures taken or planned.
- 4.5.2. The permittee shall submit the results of any testing/assessment conducted as a requirement of this permit to the Director within 60 days after completing such testing.

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APPENDIX A

Date of Observation: _____

Date Entered by: _____

Reviewed by: _____

Date Reviewed: _____

General Weather Conditions: _____

Emission Point ID	Description of Emission Point	Time of Observation	Visible Emissions (Yes/No)	Consecutive Months of Visible Emission	Comments

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CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

- ¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
 - d. The designated representative delegated with such authority and approved in advance by the Director.

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